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DEPARTMENT OF PLANNING AND LAND USE

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NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

September 25, 2008

NOTICE IS HEREBY GIVEN that the County of San Diego is proposing to adopt Negative Declaration(s) in accordance with the California Environmental Quality Act for the following project(s). The proposed Negative Declaration(s) can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and the public library(ies) listed below. Comments on these proposed Negative Declaration(s) must be sent to the DPLU address listed above and should reference the project number and name.

POD 08-005, LOG NO. ER 08-00-003; SECOND DWELLING UNIT/ACCESSORY APARTMENT ORDINANCE AMENDMENT. The project is an amendment to the San Diego County Zoning Ordinance to simplify the various accessory dwelling types. Currently, the County Zoning Ordinance Section 6156 identifies four types of accessory dwellings: Second Dwelling Unit, Accessory Apartment, Accessory Living Quarters and Guest Living Quarters. The allowances and limitations for each category overlap often causing confusion for our County customers. Additionally, State law recently amended the allowable "granny housing" provision. "Granny housing" is defined in State Planning law in a manner consistent with a County Accessory Apartment. Changes to State law no longer allow these types of accessory living units to be restricted to occupancy by seniors. Consequently, as a result of the change to State law and the fact that other provisions exist in the zoning ordinance to allow for Second Dwelling Units, the Accessory Apartment provision is no longer necessary. Accessory Apartments and Accessory Living Quarters that were permitted under the existing ordinance will be allowed to remain pursuant to Section 6850 of the Zoning Ordinance.

To simplify the use regulations, DPLU is proposing to reduce the number of accessory units into two types: Second Dwelling Units and Guest Living Quarters. In short, a Second Dwelling Unit has all the accommodations as the primary structure with certain

limitations such as structure size while the Guest Living Quarters is designed for the temporary use by guests or people employed on the premises. Guest Living Quarters do not have kitchen facilities or laundry facilities and may not be rented.

Proposed amendments to the Zoning Ordinance consist of the following:

- **Section 1110, “A” Definitions:** Accessory Apartment, note added “repealed”;
- **Section 1110, “A” Definitions:** Accessory Living Quarters, note added “repealed”;
- **Section 1110, “G” Definitions:** Guest Living Quarters, revised to prohibit wetbars, and deleted the size limitations (which will be relocated to Section 6156.k).
- **Section 6156.k:** Removed the reference to the zones where guest living quarters are permitted. Revised to clarify guest living quarters are permitted on a “legal” lot, removed “or building site”. Revised the minimum required lot sizes where guest living quarters are allowed by right and where an Administrative Permit would be required; reduced the square footage that is allowed by right, with additional area allowed subject to approval of an Administrative Permit; added language that guest living quarters shall not be permitted on a lot or parcel having a second dwelling unit, accessory apartment or accessory living quarters. Added AD Permit findings for guest living quarters.
- **Section 6156.l:** Repealing Accessory Living Quarters;
- **Section 6156.w:** Repealing Accessory Apartments;
- **Section 6156.x:** Revisions to subsection 3 to allow a second dwelling unit on a legal lot, of at least one net acre, that does not contain the minimum net area required by the zoning, subject to approval of an Administrative Permit. Revisions to subsection 5 to require an Administrative Permit if another accessory structure (such as a barn or agricultural storage building) is proposed to be attached to a second dwelling unit. Revisions to subsection 12 to change the requirement from a Minor Use Permit to an Administrative Permit and add required findings for granting an Administrative Permit.

The project is located within the County of San Diego which is located in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the Residential and Agricultural Use Regulations of the unincorporated portions of the County of San Diego over which the County has land use jurisdiction. Comments on this proposed Negative Declaration must be received no later than October 24, 2008 at 4:00 p.m. (a 30 day public review period).

This proposed Negative Declaration can also be reviewed at the following library branches: Alpine, Bonita, Borrego Springs, Campo, Casa De Oro, Crest, Descanso, Fallbrook, Jacumba, Julian, Lakeside, Pine Valley, Potrero, Ramona, Rancho San

Diego, Rancho Santa Fe, Spring Valley and Valley Center. For additional information, please contact Heather Steven at (858) 495-5802 or by e-mail at heather.steven@sdcounty.ca.gov.